

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
(TYLER DIVISION)**

ROBERT BERG,

Plaintiff,

- against -

M&F WESTERN PRODUCTS, INC.

Defendant.

Docket No. 6:19-cv-00418-JDK

**DECLARATION OF ROBERT BERG**

I, ROBERT BERG, hereby declare under the penalty of perjury as follows:

1. I am the plaintiff in this action and submit this declaration in further opposition to Defendant M&F Western Products, Inc. (“Defendant”)’s second motion for partial summary judgment [Dkt. #41] and in compliance with the Court’s order, dated November 1, 2020, which provides that Plaintiff may supplement his response to Defendant’s pending motion “to include relevant factual evidence discovered between the original filing and the November 13, 2020 fact discovery deadline.” [Dkt. #64] (the “Order”).

2. On October 8, 2020, I submitted a sworn declaration to the Court indicating that my former counsel, Jackson Walker LLP, was in the process of transferring files to my current counsel relating to the matter of *Berg v. Symons*, No. Civ.A 03-2683 (S.D. Texas, Houston Div.) and that I would produce such documents to Defendant upon receipt. [Dkt. #53, ¶ 8]

3. On November 13, 2020, my counsel served Defendant with an additional 3,219 pages of documents which were obtained from Jackson Walker LLP.

4. Attached as Exhibit A is a true and correct copy of the original VA 1-091-617 Registration certificate at issue in this lawsuit, as well as examples of color copies of designs covered by the 617 Registration, including the cross pendent at RB\_1753.

5. Attached as Exhibit B are true and correct copies of various Bob Berg catalogs and other background information relating to my jewelry design and business.

6. Attached as Exhibit C are true and correct copies of various samples of cease and desist letters sent to copyright infringers of my designs in the early 2000's, showing that my designs were distinctively characterized by heavy, raised, half-rounded edges on which are set one or more oversized, tapered beads; vine/leaf scrollwork, often layered or stacked to provide a 3-dimensional effect; and a black background setting-off and highlighting the scrollwork.

7. Attached as Exhibit D is a true and correct copy of trademark and copyright registrations dating back to 1992, including the design for an over-sized seven bead with half-round buckle edge.

8. Attached as Exhibit E are true and correct copies of various copyright registrations relating to my designs, including the 548 Registration at issue in the first summary judgment motion.

Dated: November 19, 2020  
Vietnam

Respectfully submitted:

*Bob Berg*

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ROBERT BERG



## Audit Trail

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<b>TITLE</b>	Bob Berg Declaration - SJ
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## Document History



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from dh@liebowitzlawfirm.com  
IP: 67.243.230.151



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